

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

|                                  |   |                       |
|----------------------------------|---|-----------------------|
| CAROL ST. JOHN,                  | ) | Case No. 11-1409 SC   |
|                                  | ) |                       |
| Plaintiff,                       | ) | ORDER DISMISSING CASE |
|                                  | ) | <u>WITH PREJUDICE</u> |
| v.                               | ) |                       |
|                                  | ) |                       |
| WELLS FARGO BANK, N.A.; WACHOVIA | ) |                       |
| MORTGAGE, FSB; et al.,           | ) |                       |
|                                  | ) |                       |
| Defendants.                      | ) |                       |
|                                  | ) |                       |
|                                  | ) |                       |

---

On January 24, 2011, Plaintiff Carol St. John ("Plaintiff") commenced this action in California Superior Court for the County of Sonoma, bringing seven claims against several Defendants relating to foreclosure proceedings affecting the ownership of her Healdsburg, California home. ECF No. 1 ("Notice of Removal") Ex. A ("Compl."). After removing the action to federal court, and after the parties stipulated to an extension of time for Defendants to respond to Plaintiff's Complaint, Defendant Wachovia Mortgage, FSB ("Wachovia") filed a motion to dismiss this action, noticing a July 8, 2011 hearing date. ECF No. 15 ("Mot."). Plaintiff did not file an Opposition, and on August 8, 2011, the Court ordered Plaintiff to show cause why her case should not be dismissed for failure to prosecute. ECF No. 19 ("OSC"). The Court ordered Wachovia to serve the OSC on Plaintiff, and ordered

1 Plaintiff to respond in writing within five days of service. Id.  
2 The OSC provided: "FAILURE TO COMPLY WITH THIS ORDER WILL BE  
3 DEEMED SUFFICIENT GROUNDS FOR DISMISSAL WITH PREJUDICE." Id. On  
4 August 9, 2011, Wachovia filed proof of service of the OSC on  
5 Plaintiff. ECF No. 20.

6 Because Plaintiff failed to file her response to the OSC  
7 within five days of service, the Court DISMISSES, WITH PREJUDICE,  
8 Plaintiff's Complaint, and TERMINATES this action.

9  
10 IT IS SO ORDERED.

11  
12 Dated: August 22, 2011

13   
14 UNITED STATES DISTRICT JUDGE  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28